

Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF
AMERICA, ex rel. by SHEILA
REIBER,

Plaintiff,

vs.

BASIC CONTRACTING
SERVICES, INC., a Corporation,
Defendant.

NO. 09-5558 RBL

EX PARTE MOTION FOR
EXTENSION OF TIME FOR
RELATOR TO SERVE
DEFENDANT WITH
UNSEALED COMPLAINT
AND DECLARATION IN
SUPPORT

NOTE ON MOTION CALENDAR:
November 29, 2011

COMES NOW the Relator, Sheila Reiber, and hereby requests an extension of the time to serve Defendant with the Complaint. Current counsel seeks an association or withdrawal from the case, while assisting Ms. Reiber with finding additional counsel. That effort is progressing. This is a request for an additional short extension of time to serve the matter so that prospective counsel can obtain documents and make a final determination regarding his involvement.

FACTS, LAW, and RELIEF REQUESTED

The United States declined to intervene in this False Claims Act lawsuit, and this Court, by Order dated June 10, 2011, instructed Relator to serve Defendant

MOTION FOR EXTENSION OF TIME AND
DECL. IN SUPPORT
[09-5558 RBL] - 1

Teller & Associates, PLLC
1139 34th Ave, Ste B
Seattle, WA 98122
(206) 324-8969 Fax: 860-3172

1 with the Complaint. The undersigned counsel, due to workload issues, will not be
2 able to litigate the case going forward as sole counsel. Unless Relator timely finds
3 either substitute counsel or primary counsel, Teller & Associates, PLLC intends to
4 withdraw, or in the alternative, with Relator's consent allow the case to be
5 dismissed without prejudice.

6 Relator timely found potential counsel, who chose to delay in reviewing the
7 matter and then recently declined to proceed. Based on that delay, this Court
8 granted an extension of time to serve the defendant until December 9, 2011, and
9 Relator has been diligently searching for new counsel. It is the undersigned
10 understanding and belief that Relator has made diligent and timely efforts to find
11 counsel, with moderate but not complete success. A current candidate identified
12 has asked that the undersigned seek this additional extension.

13 The Relator has spoken with several additional attorneys, and met with
14 **Keith Scully of Newman Du Wors LLP** on November 15, 2011. Mr. Scully
15 reviewed the case, and asked Relator for additional information before deciding
16 whether to represent her.

17 Relator previously submitted a Freedom of Information Act request to the
18 United States Navy that she believes will provide her with the information
19 necessary for potential new counsel to evaluate the case. A response was due from
20 the Navy on November 28, 2011. However, Relator has not yet received any
21 information.

22 Fed. R. Civ. P. 4(m) allows this Court to continue the deadline for serving
23 the complaint for good cause. Relator believes an additional sixty days will allow
24 her to accumulate the information necessary to locate new counsel, and
25 accordingly moves the court for a second sixty day extension. The undersigned
26 counsel will not be requesting an additional extension hereafter, but will either find
27 counsel or withdraw before any subsequent deadline the Court may issue. At this

1 time, however, the undersigned respectfully states that in his understanding and
2 belief it is reasonably likely that Relator will find alternate or additional counsel,
3 and respectfully requests this extension be granted.

4 Foregoing facts are sworn to under penalty of perjury by the undersigned
5 counsel on the below date at Seattle, Washington.

6 DATED this 29th day of November, 2011.

7
8 Teller & Associates, PLLC, by:

9
10 
11

12 Stephen Teller, WSBA #23372

13 **Teller & Associates, PLLC**

14 1139 34th Ave, Ste B

15 Seattle, WA 98122

16 (206) 324-8969 Fax: 860-3172

17 steve@stellerlaw.com
18
19
20
21
22
23
24
25
26
27
28